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Attorneys for Defendants Asha Media and Bhalla

UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

CHINA CENTRAL TELEVISION, a
China company, et al.

Plaintiffs,

v.

CREATE NEW TECHNOLOGY, (HK)
LIMITED, A Hong Kong Company, et
al.,

Defendants.

Case No. 2:15-cv-01869-MMM
Hon. Steven V. Wilson

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL FOR
ASHA MEDIA GROUP, INC., AND
AMIT BHALLA; MEMORANDUM
OF POINTS AND AUTHORITIES;
AND DECLARATION OF MARK
G. CLARK**

**Date: May 16, 2016
Time: 1:30 p.m.
Crtrm.: 6**

Action Filed: March 13, 2015

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on May 16, 2016 at 1:30 p.m., or as soon thereafter as the matter may be heard, in Courtroom 6 of the Honorable Stephen V. Wilson, located at 312 North Spring Street, Los Angeles, California, the law firms of Traverse Legal, PLC will move to be relieved as attorneys of record for Defendants Amit Bhalla and Asha Media Group, Inc., (“Asha”) in this action pursuant to Local Rule 83-2.32.

The reasons for this request are that (1) Defendant Amit Bhalla, the sole shareholder in Defendant Asha, has filed for Chapter 7 bankruptcy; (2) The Trustee in the Bhalla Bankruptcy who has the beneficial interest in Asha has indicated that he does not wish to continue to defend this action on behalf of Asha; and (3) any claims against Amit Bhalla will be determined in the Chapter 7 Bankruptcy proceeding of which Plaintiffs have been provided notice and an opportunity to participate in that proceeding.

The Motion will be based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Mark G. Clark filed concurrently herewith, the pleadings and papers on file in this action, and such further oral or documentary evidence or argument as may be presented prior to or at the hearing on this matter.

It is respectfully requested that the Court make its determination in this

1 matter without oral argument to conserve expenses and costs.

2 Defendants' counsel therefore respectfully requests that this Court enter an
3
4 order granting this Motion Withdrawing from this case, and such other and further
5 relief as the Court deems appropriate.

6 Dated: April 12, 2016

/s/ *Mark G. Clark*

7 Mark G. Clark (*Pro Hac Vice*)

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19 *Attorneys for Defendants Asha and Bhalla*

MEMORANDUM OF POINTS AND AUTHORITIES

1
2 1. On or about April 23, 2015, the undersigned counsel, Traverse Legal,
3
4 PLC by Mark Clark and Adrianos Facchetti of counsel to Traverse Legal, PLC
5 and Law Office of Adrianos Facchetti filed its Answer to Plaintiff's Complaint on
6
7 behalf of Defendants Asha Media Group, Inc., and its sole shareholder, Amit
8 Bhalla.

9 2. On August 28, 2015, Defendant Asha Media filed its Petition in the
10
11 Circuit Court for the 13th Judicial District in Hillsborough County, Florida for
12
13 assignment of all assets for the benefit of creditors which is essentially a state
14
15 court bankruptcy proceeding liquidating all assets of the business for the benefit of
16
17 creditors. *See* Declaration of Mark Clark, **Exhibit A**, (Petition for the assignment
18
19 of Creditors).

20 3. The Plaintiffs in this lawsuit were provided with a Notice of
21
22 Assignment for the benefit of creditors and Plaintiffs are in fact participating in
23
24 the liquidation and distribution of assets for Asha Media Group, Inc., in Florida.
25
26 *See* Declaration of Mark Clark, **Exhibit B** (Notice of Assignment for the Benefit
27
28 of Creditors).

4. On or about January 13, 2016, Defendant Amit Bhalla filed a
voluntary petition under Chapter 7 of the Bankruptcy Code in the Middle District
of Florida, Tampa Division (Case No. 8:16-bk-00265) (the "Bankruptcy Case")

1 (Dkt 168), resulting in a Stay of these proceedings against Amit Bhalla. *See*
2 **Exhibit C** (Suggestion of Bankruptcy Notice).
3

4 5. On February 22, 2016 (Dkt 180), the court issued its abatement of
5 proceedings pending a determination of the Chapter 7 Bankruptcy Trustee, as the
6 beneficial owner of all of the shares of stock of Asha, whether to defend Asha in
7 this matter.
8

9 6. The undersigned Counsel for Defendants Amit Bhalla and Asha
10 Media Group has been advised by counsel for Amit Bhalla in the Chapter 7
11 bankruptcy proceeding, Suzy Tate, that the Trustee does not wish to continue to
12 defend this action on behalf of Asha, which continues the process of liquidation
13 for the benefit of creditors. See Declaration of Mark Clark ¶ 6.
14
15

16 7. Any claims against Amit Bhalla will be determined in the Chapter 7
17 Bankruptcy proceeding of which Plaintiffs have been provided notice and an
18 opportunity to participate in that proceeding and any claims against Asha are
19 being determined in the Florida state court liquidation proceeding so there is no
20 prejudice to these Defendant's in withdrawing from representation in this matter.
21
22

23 8. The undersigned counsel have been advised by the Trustee through
24 Amit Bhalla's Bankruptcy counsel, to cease defending the matter on behalf of
25 Amit Bhalla and Asha, and instructed the undersigned counsel to withdraw from
26 the case.
27
28

1 9. This motion for Application for Leave to Withdraw as Counsel is
2 filed pursuant to Local Rule 83-2.32. A copy of this motion is being served on
3 attorney Suzy Tate who is the counsel for Amit Bhalla in the Chapter 7
4 Bankruptcy proceedings and Asha, in the State Court liquidation proceeding, as
5 well as the Chapter 7 trustee, Doug Menchise, as the beneficial holder and
6 trustee of all of the shares of stock of Asha Media Group, Inc.
7

8
9 10. For the reasons set forth above, it is respectfully requested that the
10 court issue an Order permitting Traverse Legal, PLC and Law Offices of Adrianos
11 Facchetti to withdraw as counsel for Defendants Asha Medial Group, Inc., and
12 Amit Bhalla.
13

14
15 11. It is respectfully requested that the Court make its determination in
16 this matter without oral argument to conserve expenses and costs.
17

18 Respectfully submitted this 12th day of April, 2016.

19 /s/ Mark G. Clark
20 Mark G. Clark (*Pro Hac Vice*)
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Attorneys for Defendants Asha and Bhalla

DECLARATION OF MARK G. CLARK

I, Mark G. Clark, having personal and firsthand knowledge of the matters set forth in this Declaration and, if called and sworn as a witness, I could and would testify competently thereto under oath, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of Michigan and before this court as Pro Hac Vice and am a partner in the law firm of Traverse Legal, PLC, attorneys of record for Defendants Amit Bhalla and Asha Media Group, Inc.

2. During the course of representing Bhalla and Asha Media in this matter, I was advised by Asha's bankruptcy counsel, Suzy Tate, that Defendant Asha filed its Petition in the Circuit Court for the 13th Judicial District in Hillsborough County, Florida for assignment of all assets for the benefit of creditors On August 28, 2015. *See Exhibit A*, (Petition for the assignment of Creditors).

3. Plaintiffs in this matter were provided with a Notice of Assignment for the benefit of creditors and Plaintiffs are participating in the liquidation and distribution of assets for Asha Media Group, Inc., Florida in that matter. *See Exhibit B* (Notice of Assignment for the Benefit of Creditors).

4. On or about January 13, 2016, Defendant Amit Bhalla filed a voluntary petition under Chapter 7 of the Bankruptcy Code in the Middle District

1 of Florida, Tampa Division (Case No. 8:16-bk-00265) (the “Bankruptcy Case”)
2 (Dkt 168), resulting in a Stay of these proceedings against Amit Bhalla. *See*
3 **Exhibit C** (Suggestion of Bankruptcy Notice).
4

5 5. On February 22, 2016 (Dkt 180), the court issued its abatement of
6 proceedings pending a determination of the Chapter 7 Bankruptcy Trustee, as the
7 beneficial owner of all of the shares of stock of Asha Media Group whether to
8 continue to defend Asha in this case.
9

10 6. I, as counsel for Defendants Amit Bhalla and Asha Media Group,
11 have been advised by counsel for Amit Bhalla in the Chapter 7 bankruptcy
12 proceeding, Suzy Tate, that the trustee does not wish to continue to defend this
13 action on behalf of Asha Media Group, Inc., which also remains in the process of
14 liquidation for the benefit of creditors including Plaintiffs in this case.
15

16 7. I have been advised by Bankruptcy Trustee Doug Menchise, through
17 counsel Suzy Tate, to cease defending the matter on behalf of Amit Bhalla and
18 Asha Media Group, Inc., and advised by my clients through their Bankruptcy
19 counsel to move to withdraw from the case.
20

21 8. Any claims against Amit Bhalla will be determined in the Chapter 7
22 Bankruptcy proceeding of which Plaintiffs have been provided notice and an
23 opportunity to participate in that proceeding.
24

25 9. The undersigned counsel advised counsel for Asha Media Group and
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27
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1 Amit Bhalla of the consequences of Asha's inability to appear *pro se* in this matter
2 under LR 83-2.3.4.
3

4 10. For the reasons set forth above, I respectfully request that the court
5 issue an Order permitting Traverse Legal, PLC and Law Offices of Adrianos
6 Facchetti to withdraw as counsel for Defendants Asha Media Group, Inc., and
7 Amit Bhalla.
8

9
10 Respectfully submitted this 12th day of April, 2016.

11 /s/ Mark G. Clark
12 Mark G. Clark (*Pro Hac Vice*)
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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System.

/s/ Mark G. Clark
Mark G. Clark (*Pro Hac Vice*)
TRAVERSE LEGAL, PLC

Attorneys for Defendant Asha and Bhalla